

July 11, 2024

The Honorable James Baxter of Australia
The Honorable Atsuyuki Oike of Japan
The Honorable Hung Seng Tan of Singapore
World Trade Organization
Centre William Rappard
Rue de Lausanne, 154
Geneva, Switzerland

Dear Co-convenors of the Joint Statement Initiative (JSI) on E-commerce:

The undersigned organizations—representing U.S. companies and workers in a wide spectrum of goods and services industries—express strong support for the WTO JSI on E-Commerce negotiations. These negotiations are an invaluable opportunity for participants to update the WTO's rulebook to reflect developments in international trade and to meet the enormous promise of an evolving digital economy. While we welcome progress made to date in the negotiations—and the work of Australia, Japan, and Singapore to help facilitate this progress—we believe that important work remains to ensure that the outcome of the JSI is relevant in the global marketplace and avoids undermining the very objectives the initiative set out to achieve.

We are encouraged by the progress the JSI negotiations have made thus far on digital trade facilitation provisions that bring trade-related procedures into the 21st Century (electronic payment services, electronic authentication, e-signatures, e-contracts and e-invoicing, etc.); provisions on open internet access and open government data that stand to democratize access to technology and promote more accountable governance; and provisions on personal data protection, cybersecurity, and consumer protection that help promote trust in the digital economy. We also are encouraged by the progress that has been made in building a critical mass of support for a prohibition on customs duties on electronic transmissions. Broad-based agreement on this language is essential if the initiative is to be meaningful.

Notwithstanding this progress, we understand that work on some of the most challenging and consequential matters remains unresolved in the negotiations. These include proposed key provisions on the treatment of data and exceptions that will apply to the entirety of the agreement.

In these areas, negotiators must ensure that JSI outcomes bolster confidence in international trade and facilitate e-commerce transactions. JSI outcomes also should not create new bases for restrictions that are unjustified or are not relevant to provisions under consideration. For example, the proposed broad exception in the current text could create a basis for imposing unjustified data localization measures. A WTO agreement that gives rise to trade barriers would erode industry support for WTO processes and divert attention to other fora. It is particularly important that a JSI outcome must not give license to JSI members to fracture trade-related data flows or suppress the free exchange of information.

In these and other areas, outcomes that achieve high standards while allowing space for measures to pursue legitimate public welfare objectives are entirely possible. Achieving such outcomes is imperative and requires further careful deliberations among JSI participants. We urge the co-convenors to continue negotiating on critical unresolved issues, including cross-border data flows and data localization.

The undersigned organizations have been, and remain, strong and consistent advocates for the JSI negotiations as a linchpin of WTO engagement on critical areas of digital trade.

UNDERSIGNED ORGANIZATIONS

ACT | The App Association
Autos Drive America
BSA | The Software Alliance
Computer and Communications Industry Association (CCIA)
Coalition of Services Industries (CSI)
Coalition to Reduce Cyber Risk (CR2)
Consumer Technology Association (CTA)
Engine

Global Data Alliance
Global Innovation Forum
Information Technology Industry Council (ITI)
TechNet
Technology Trade Regulation Alliance (TTRA)
U.S. Chamber of Commerce